

AF / 3643



US PTO Customer No. 25280

10/008,201

Case No. 5374

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Randy D. Petrea et al.

Serial Number: 10/008,201

Filed: December 6, 2001

For: NOVEL SYNTHETIC
HYDROPHOBIC SAND
FORMULATION

Group Art Unit: 3643

Examiner: J. Gellner

*Reactor
Review
Copy
6-12-03*

RESPONSE TO NON-FINAL REJECTION

Mail Stop Non-Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RECEIVED

JUN 11 2003

GROUP 3600

Sir:

In response to the Final Office Action mailed on April 28, 2003, Applicants hereby respectfully request entry and due consideration of the following remarks:

REMARKS

Claim 1 is pending within this application. No claims have been added, amended, or deleted.

The Office has rejected the only pending claim under 35 U.S.C. § 102(b) as being anticipated by Hirsbrunner. Applicants fail to understand the basis of such a rejection from two differing perspectives. First, patentee does not, contrary to the Office's position, provide an anticipatory teaching of the presently claimed invention. At best, and by no means do Applicants agree with this assessment, Hirsbrunner provides a *prima facie*